

10 Things all Applicants Should Know

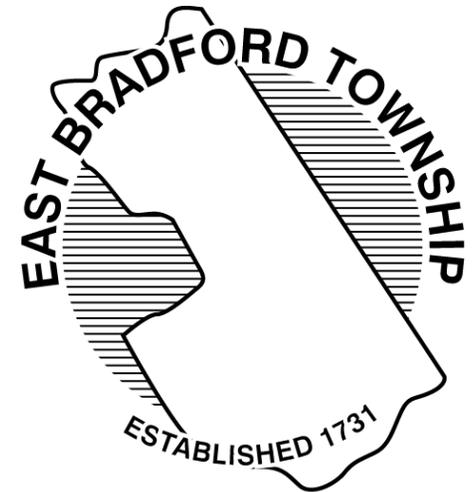
1. A hearing must be held within 60 days from the date of the applicant's request.
2. The Zoning Hearing Board must provide a written decision (or make written findings) within 45 days of the last hearing.
3. Once a hearing has begun, Zoning Hearing Board members may not communicate with any party of the hearing unless all parties are given the opportunity to participate.
4. A copy of the final decision (or findings) must be delivered to the applicant personally or must be mailed to the person no later than the day after the decision is rendered.
5. Fees paid by the applicant for the hearing are escrowed by the Township. Administration, advertising, and compensation for the board members and secretary are chargeable expenses to the escrow account. Charges for legal fees and professional consultants are not chargeable. If the escrow account is depleted during the hearing process, the applicant must replenish the account. Even if the applicant does not receive a favorable decision, he is still responsible for payment of chargeable expenses in excess of the filing fee.
6. An aggrieved person has 30 days following the action of the Zoning Hearing Board to file an appeal to the Chester County Court of Common Pleas.
7. Generally, an appeal to the Zoning Hearing Board automatically stops all affected land development.
8. If the Zoning Hearing Board fails to hold a required hearing or fails to render a decision within the required time period, a decision is automatically entered in favor of the applicant.
9. Any person affected by an application may be a party to a hearing provided they make a timely appearance before the Zoning Hearing Board. Other people or entities not directly impacted by an application may be a party if permitted by the Zoning Hearing Board. The Township is atomically a party.
10. Hearings and decisions of the Board must be in accordance with The PA Municipalities Planning Code (Act 247).

Final Words of Advice...

- File a Complete Application: Zoning Hearing Board applications are available at the Township building or from the Zoning Hearing Board Solicitor. Applicants are advised to familiarize themselves with the rules of procedure which will inform the applicant about completion of the application, filing procedures, processing of the application, pre-hearing and hearing procedures, and more.
- Consider Professional Assistance: Unless the applicant is familiar with the hearing process, knowledgeable in zoning law, and informed about prior decisions of the Commonwealth courts, they often unknowingly place themselves at a disadvantage. Applicants should be advised that real estate agents, land use planners, and engineers are not legal counsel.
- Present ONLY the Facts: The merit of any application will be greatly enhanced by a conscious effort on the part of the applicant and his witnesses to present only the facts. Emotional testimony, anecdotes, hearsay, and generally non-relevant information has no value and does not serve an effective presentation before the Zoning Hearing Board.
- Consult with the Zoning Officer: The Township zoning officer can be a valuable resource for prospective applicants. Even if an applicant is seeking relief from an interpretation of the zoning officer, this municipal official can provide information and advice on the most effective procedure to obtain relief. The Township does not assume an adversarial position just because a party is seeking relief from the provisions of the ordinance.

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Making the Most of Your Application to the Zoning Hearing Board



Prepared by the
Board of Supervisors
East Bradford Township



Introducing the East Bradford Township Zoning Hearing Board!

The purpose of the following brochure is to provide prospective applicants—and other interested readers—with a basic overview of the Zoning Hearing Board. A better understanding of the Board's procedures will prepare you for your presentation before them.

ing Board is scheduled to meet on the 3rd Monday of each month. However, it only schedules hearings when it receives applications or appeals, so there may not be a meeting every month. To find out if there's a hearing, call the Township office (610-436-5108).



The Basics

- Who are the Zoning Hearing Board members? The Board members are Township residents. They are appointed by the Board of Supervisors to serve for three-year terms.
- What does the Board do? The Board's purpose is to help assure fair and equitable application and administration of the Township Zoning Ordinance by hearing appeals on the zoning officer's decisions and granting relief from the literal interpretation of the ordinance in certain hardship situations. Unlike other boards and commissions, the Zoning Hearing Board has no legislative power; it can neither make nor modify zoning policy. Rather, it is a quasi-judicial body; that is, its powers are somewhat judicial in nature.
- Where does the Board meet? The Board meets at the Township Building in the public meeting room.
- When does the Board meet? The Zoning Hear-

5 Major Functions of the Zoning Hearing Board

Requests for Variances: The Zoning Hearing Board will hear an applicant's allegation that the provisions of the Zoning Ordinance inflict unnecessary hardship. Demonstrating a hardship requires you to:

- Show that the property cannot be developed in strict accordance with the ordinance due to unique physical circumstances or conditions peculiar to the property. It must be shown that a variance is necessary to enable reasonable use of the property. Hardships cannot be created by the applicant.
- Show that the variance, if granted, will not alter

the essential character of the neighborhood or district; not impair the adjacent property; and not be detrimental to the public welfare.

- Show that the variance, if granted, will represent the minimum variance required to afford relief and least modification of the regulation in question.

Requests for Special Exceptions: A special exception is permission for an applicant to use land in a district for a purpose different from those permitted outright. Special exceptions for each zoning district are specifically listed under the provisions for each district. The special exception process allows the Zoning Hearing Board to thoroughly examine the proposed land use and attach conditions to that use. (Variances and special exceptions are the most common applications made to the Board.)

Appeals to Actions of the Zoning Officer: Appeals occur when an applicant alleges that the zoning officer has failed to follow prescribed procedures or has misinterpreted an ordinance or provision.

Challenges to Validity of the Ordinance/Map: Validity claims on the constitutionality of ordinances restricting the use or development of land and those applied to a specific property are handled by the Zoning Hearing Board.

Unified Appeals: Where the Board has jurisdiction over a zoning matter in any of the above, it can also hear appeals with respect to any other municipal ordinance pertaining to the same development or plan. The Board has no actual power in the non-zoning issues but takes evidence and makes a record of the case.